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104TH CONGRESS
2D SESSION

H. R. 3992

To establish the National Commission on the Long-Term Solvency of the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Ms. McCARTHY (for herself, Mr. LUTHER, Ms. RIVERS, Mr. CARDIN, Mrs. KENNELLY, Mr. WARD, Mr. FAZIO of California, Ms. LOFGREN, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. MASCARA, Mr. PALLONE, Mr. DOOLEY of California, Mr. DOYLE, Mr. DURBIN, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the National Commission on the Long-Term Solvency of the Medicare Program.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Medicare Commission
5 Act of 1996".

1 **SEC. 2. ESTABLISHMENT.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the National Commission on the
4 Long-Term Solvency of the Medicare Program (in this Act
5 referred to as the “Commission”).

6 (b) MEMBERSHIP.—The Commission shall be com-
7 posed of 15 members appointed as follows:

8 (1) Five members shall be appointed by the
9 President from among officers or employees of the
10 executive branch, private citizens of the United
11 States, or both. Not more than 3 members selected
12 by the President shall be members of the same polit-
13 ical party.

14 (2) Five members shall be appointed by the Ma-
15 jority Leader of the Senate, in consultation with the
16 Minority Leader of the Senate, from among mem-
17 bers of the Senate, private citizens of the United
18 States, or both. Not more than 3 of the members se-
19 lected by the Majority Leader shall be members of
20 the same political party and not more than 2 of such
21 members may be members of Congress.

22 (3) Five members shall be appointed by the
23 Speaker of the House of Representatives, in con-
24 sultation with the Minority Leader of the House of
25 Representatives, from among members of the House
26 of Representatives, private citizens of the United

1 States, or both. Not more than 3 of the members se-
2 lected by the Speaker shall be members of the same
3 political party and not more than 2 of such members
4 may be members of Congress.

5 (4) DATE.—The appointments of the members
6 of the Commission shall be made no later than 3
7 months after the date of the enactment of this Act.

8 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
9 bers shall be appointed for the life of the Commission. Any
10 vacancy in the Commission shall not affect its powers, but
11 shall be filled in the same manner as the original appoint-
12 ment.

13 (d) INITIAL MEETING.—No later than 30 days after
14 the date on which all members of the Commission have
15 been appointed, the Commission shall hold its first meet-
16 ing.

17 (e) MEETINGS.—The Commission shall meet at the
18 call of the Chairman.

19 (f) QUORUM.—A majority of the members of the
20 Commission shall constitute a quorum, but a lesser num-
21 ber of members may hold hearings.

22 (g) CHAIRMAN.—The Commission shall select a
23 Chairman from among its members.

24 **SEC. 3. DUTIES OF THE COMMISSION.**

25 (a) ANALYSES AND RECOMMENDATIONS.—

1 (1) IN GENERAL.—The Commission shall—

2 (A) review relevant analyses of the current
3 and long-term financial condition of the medi-
4 care trust funds;

5 (B) identify problems that may threaten
6 the long-term solvency of such trust funds;

7 (C) analyze potential solutions to such
8 problems that will both assure the financial in-
9 tegrity of the Medicare Program under title
10 XVIII of the Social Security Act (42 U.S.C.
11 1395 et seq.) and the provision of appropriate
12 health benefits; and

13 (D) provide appropriate recommendations
14 to the Secretary of Health and Human Serv-
15 ices, the President, and the Congress regarding
16 preserving the long-term solvency of the Medi-
17 care trust funds.

18 (2) DEFINITION OF MEDICARE TRUST
19 FUND.—For purposes of this subsection, the term
20 “Medicare trust funds” means the Federal Hospital
21 Insurance Trust Fund established under section
22 1817 of the Social Security Act (42 U.S.C. 1395i)
23 and the Federal Supplementary Medical Insurance
24 Trust Fund established under section 1841 of such
25 Act (42 U.S.C. 1395t).

1 (b) REPORT.—The Commission shall submit its re-
2 port to the President and the Congress not later than 12
3 months after the date of the first meeting of the Commis-
4 sion.

5 (c) CONGRESSIONAL CONSIDERATION OF LEGISLA-
6 TION.—

7 (1) DEVELOPMENT AND CONSIDERATION OF
8 LEGISLATION.—

9 (A) INTRODUCTION OF LEGISLATION.—

10 The Majority Leader of the Senate and the
11 Speaker of the House of Representatives, in
12 consultation with the Minority Leaders of the
13 Senate and House of Representatives and tak-
14 ing into consideration the recommendations
15 contained in such report, shall provide for the
16 development, drafting, and introduction, by not
17 later than 3 months after the date of submis-
18 sion of the report, of legislation in the Senate
19 and House of Representatives that provides for
20 the long-term solvency of the Medicare trust
21 funds.

22 (B) PRIVILEGED CONSIDERATION IF NOT
23 VOTED UPON WITHIN 3 MONTHS.—

24 (i) HOUSE OF REPRESENTATIVES.—If
25 legislation introduced under subparagraph

1 (A) in the House of Representatives is not
2 voted upon in the House by not later than
3 3 months after the date of its introduction
4 in the House—

5 (I) any committee in the House
6 to which such legislation has been re-
7 ferred shall be treated as having been
8 discharged from consideration, and

9 (II) a motion to proceed to the
10 consideration of any such legislation
11 in the House shall be treated as high-
12 ly privileged.

13 (ii) SENATE.—If legislation intro-
14 duced under subparagraph (A) in the Sen-
15 ate is not voted upon in the Senate by not
16 later than 3 months after the date of its
17 introduction in the Senate—

18 (I) any committee in the Senate
19 to which such legislation has been re-
20 ferred shall be treated as having been
21 discharged from consideration, and

22 (II) a motion to proceed to the
23 consideration of any such legislation
24 in the Senate shall be treated as privi-
25 leged.

1 (2) VOTE ON ENDORSING COMMISSION REC-
2 OMMENDATIONS IF NO VOTE ON LEGISLATION WITH-
3 IN 3 MONTHS.—If legislation introduced under para-
4 graph (1)(A) is not considered and approved or dis-
5 approved—

6 (A) in the Senate within 3 months after
7 the date of its introduction in the Senate, it
8 shall be privileged in the Senate, or

9 (B) in the House of Representatives within
10 3 months after the date of its introduction in
11 the House, it shall be highly privileged in the
12 House of Representatives,

13 to move to consider a joint resolution the substance
14 of which endorses the recommendations contained in
15 the report under subsection (b) and provides legisla-
16 tive authority to carryout such recommendations.

17 **SEC. 4. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—The Commission may hold such
19 hearings, sit and act at such times and places, take such
20 testimony, and receive such evidence as the Commission
21 considers advisable to carry out the purposes of this Act.

22 (b) INFORMATION FROM FEDERAL AGENCIES.—The
23 Commission may secure directly from any Federal depart-
24 ment or agency such information as the Commission con-
25 siders necessary to carry out the provisions of this Act.

1 Upon request of the Chairman of the Commission, the
2 head of such department or agency shall furnish such in-
3 formation to the Commission.

4 (c) POSTAL SERVICES.—The Commission may use
5 the United States mails in the same manner and under
6 the same conditions as other departments and agencies of
7 the Federal Government.

8 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

9 (a) COMPENSATION OF MEMBERS.—

10 (1) OFFICERS AND EMPLOYEES OF THE FED-
11 ERAL GOVERNMENT.—All members of the Commis-
12 sion who are officers or employees of the Federal
13 Government shall serve without compensation in ad-
14 dition to that received for their services as officers
15 or employees of the United States.

16 (2) PRIVATE CITIZENS OF THE UNITED
17 STATES.—

18 (A) IN GENERAL.—Subject to subparagraph
19 (B), all members of the Commission who
20 are not officers or employees of the Federal
21 Government shall serve without compensation
22 for their work on the Commission.

23 (B) TRAVEL EXPENSES.—The members of
24 the Commission who are not officers or employ-
25ees of the Federal Government shall be allowed

1 travel expenses, including per diem in lieu of
2 subsistence, at rates authorized for employees
3 of agencies under subchapter I of chapter 57 of
4 title 5, United States Code, while away from
5 their homes or regular places of business in the
6 performance of services for the Commission, to
7 the extent funds are available therefore.

8 (b) STAFF.—

9 (1) IN GENERAL.—The Chairman of the Com-
10 mission may, without regard to the civil service laws
11 and regulations, appoint and terminate an executive
12 director and such other additional personnel as may
13 be necessary to enable the Commission to perform
14 its duties. At the request of the Chairman, the Sec-
15 retary of Health and Human Services shall provide
16 the Commission with any necessary administrative
17 and support services. The employment of an execu-
18 tive director shall be subject to confirmation by the
19 Commission.

20 (2) COMPENSATION.—The Chairman of the
21 Commission may fix the compensation of the execu-
22 tive director and other personnel without regard to
23 the provisions of chapter 51 and subchapter III of
24 chapter 53 of title 5, United States Code, relating
25 to classification of positions and General Schedule

1 pay rates, except that the rate of pay for the executive
2 director and other personnel may not exceed the
3 rate payable for level V of the Executive Schedule
4 under section 5316 of such title.

5 (c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any
6 Federal Government employee may be detailed to the
7 Commission without reimbursement, and such detail shall
8 be without interruption or loss of civil service status or
9 privilege.

10 (d) **PROCUREMENT OF TEMPORARY AND INTERMIT-
11 TENT SERVICES.**—The Chairman of the Commission may
12 procure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, at rates for individ-
14 uals which do not exceed the daily equivalent of the annual
15 rate of basic pay prescribed for level V of the Executive
16 Schedule under section 5316 of such title.

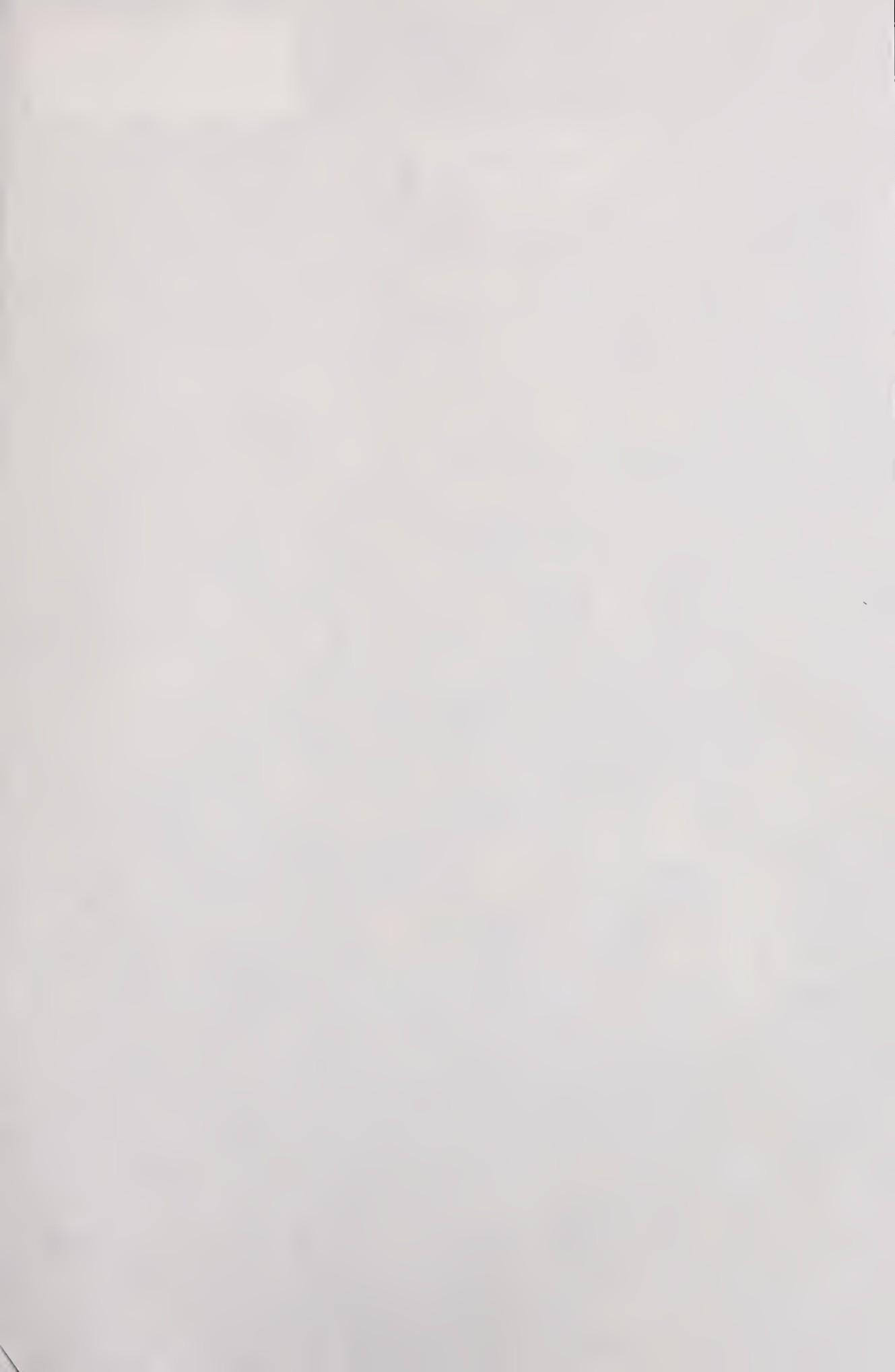
17 **SEC. 6. TERMINATION OF THE COMMISSION.**

18 The Commission shall terminate 30 days after the
19 date on which the Commission submits its report under
20 section 2(b).

21 **SEC. 7. FUNDING FOR THE COMMISSION.**

22 Any expenses of the Commission shall be paid from
23 such funds as may be otherwise available to the Secretary
24 of Health and Human Services.





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